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SUBJECT: EU COMMISSION GMO CO-EXISTENCE SYMPOSIUM IN

AUSTRIA STIRS DEBATE

¶1. Summary: The EU Commission hosted a Symposium on Co-Existence of GMO Seeds and Agricultural Production at the ParkHotel in Vienna, Austria, February 22-23, 2005. More than 100 EU biotech experts and policymakers attended the symposium. Participants said that most Member States have established or are in the process of establishing co-existence legislation. They concluded that implementing co-existence measures could be complex and costly according to the measures taken. Also, Member State participants said that the EU Commission needs to address liability issues and problems concerning conflicting national co-existence legislations in neighboring countries. Participants concluded that most Member States are expected to have co-existence legislation in place by the end of the year. End Summary.

¶2. On February 22-23, 2005, the European Commission hosted a 'Symposium on Co-existence of GMO in Seeds and Agricultural Production' in Vienna, Austria. The EU Commission's Technical Assistance Information Exchange Unit organized the symposium in cooperation with the Austrian Ministry of Agriculture and the Austrian Agency for Health and Food Safety. The aim of the meeting was to inform and discuss the legal framework on co-existence, exchange experiences on the implementation of the EU recommendations on co-existence, exchange views concerning transboundary co-existence between Member States or between Member States and third countries, and to establish a network of European experts and policymakers committed to co-existence in agriculture.

¶3. More than 100 EU biotech experts and policy makers from the following countries attended the symposium: Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, and Sweden. Also, representatives from EU candidate countries Bulgaria, Romania, Croatia, and Turkey attended. Quintin Gray, AgCounselor, U.S. Embassy Vienna, and several seed company representatives

were allowed to attend as observers.

14. Symposium speakers were from the EU Commission and Member State Governments. The speakers discussed the EU framework/guidelines for co-existence, the current co-existence situation in member states, provided co-existence case studies from several EU Member States and developed general conclusions.

Please find below a summary of the topics discussed and general conclusions:

15. EU Legislation/Guidelines

Conference participants agreed that the following EU legislation/guidelines serve as the basis for co-existence:

- Directive 2001/18/EC on the release of GMOs.
- Regulation 1829/2003 concerning GMO food and feed.
- For seeds and plant varieties, special EC Directives are applicable.
- Regulation 1830/2003 deals with the traceability and labeling of GMOs.
- Regulation 2092/91 on organic farming.
- Guidelines of the Commission 2003/556/EC. No form of agriculture, be it conventional, organic or using genetically modified organisms, should be excluded in the EU, including implementing regulations issued by the EU Commission.

16. In general, participants agreed that Members States are required to establish coexistence legislation consistent with EU regulations. However, a few participants pointed out that there is no legal basis in EU legislation for 'GMO-free zones'. Participants cited that GMO-free zones are a local matter decided by farmers, consumers, and local government officials.

17. Moreover, there was animated discussion concerning the lack of clear rules on liability. For example, if one farmer's GMO crop caused an organic farmer's crop to test positive for GMO, who should pay? Similarly, who would pay if the conventional farmer's crop tested above the EU 0.9 per cent threshold because of the GM crop produced on a neighboring farm. Participants said that the EU needs to assign liability in these cases.

18. Also, participants debated the lack of legislation concerning neighboring countries. Participants noted that most EU countries border several different countries. As a result, participants said that the EU should establish co-existence guidelines to address this problem.

19. Co-existence Situation in Member States

Participants made the following points concerning

coexistence in Member States:

- Only a few Members States have co-existence measures or at least co-existence strategies in place.
- A number of Member States have drafted national legislation and in a number of cases the Commission has issued a detailed opinion.
- Most of the Member States are working on appropriate measures for their countries or regions.
- In all Member States, discussions are ongoing and in some Member States legal actions are planned for the coming year.
- In many Members States, stakeholders (i.e. farmers, consumers etc.) are directly involved in developing co-existence legislation.
- Some Member States have proposed training courses for farmers who want to grow GM crops.
- A few Member States have already started to cooperate with other Member States either to establish GMO-free regions or exchange experiences.
- Liability is a very important issue and several Member States are investigating national legislation and some participants have pointed out concerns for differences in neighboring countries.
- Several Member States have provisions for funding and compensation.
- It may be noted that there is already some experience with the cultivation of GMO crops in the EU (namely Spain). Most other countries have GM products under cultivation for research projects.
- Some Member States have projects for GMO-free regions.

10. Case Studies:

Speakers from the following Member States presented the status of co-existence in their countries:

11. Lithuania: On June 29, 2004, the Minister of Agriculture approved a co-existence working group; draft rules have been approved, co-ordination among other local institutions and companies on the rules, and notification has been sent to Member States.

12. Hungary: The Ministry has established a professional working party to prepare national legislation on co-existence. The committee consists of the competent Ministries, the National Inst. Quality control, the Chamber of Agriculture, the Association of Seed Producers, the Association of the Plant Breeders, the Biokontroll Hungaria Ltd, and other NGOs from gene-

technological science and the green movements.

113. The Czech Republic: Presently co-existence rules cover only GM corn. Isolation distance between GM corn and conventional non-GM corn is 100 meters; and between GM corn and organic corn is 600 meters. The grower must notify the Ministry of Agriculture two months before sowing GM corn and must notify the neighboring farmer two months before sowing. Eight GM corn varieties (MON810, release C) in National Listing process (5 in second year of testing). GMO corn crop production should be a reality in 2005 (about 40 hectares in a limited region).

114. Denmark: The establishment of co-existence legislation has taken about two-three years as follows: In January 2002, the Minister of Agriculture established three co-existence working groups: a group of experts; of stakeholders i.e. farmers, consumers etc.; and a third group of government officials. In January 2003, the groups started reporting their findings. In February 2004, the proposed law on co-existence was presented to the Danish Parliament. In June 2004, the Danish Parliament with 144 out of 179 votes adopted the Act on Growing Genetically Modified Crops. In March 2005, the co-existence rules should enter into force.

115. The United Kingdom: The government announced the co-existence policy in March 2004. GM growers are to apply measures to minimize GM presence in non-GM crops consistent with the EU 0.9 per cent threshold. The government envisions a code of practices with statutory backing to be in place before any commercial GM cultivation. And finally, the government will propose a managed introductory period followed by a review to monitor performance and build confidence.

116. General Symposium Conclusions

- Implementation of coexistence can be complex and costly according to the measures taken.
- Information and transparency is very important.
- With regard to conventional/organic farming, some participants mentioned that the EU needs to establish a EU-wide legally binding framework for liability while others do not see the necessity.
- In seed production, the EU needs to establish a EU-wide GMO threshold.
- Participants said that with respect to neighboring countries, Member States and the EU should do the following: 1) strengthen cooperation and exchange information and experiences; and 2) the EU needs to develop clear rules to avoid conflicts due to different country strategies. No legally binding provisions exist.

- As for GMO detection, participants felt that the EU has to establish methods for sampling and detection. They noted that PCR quantification analysis is costly.
- Participants said that the EU should establish a task force on co-existence and should continue scientific research on the impact of GM crops on organic and conventional farming.

¶17. The discussions during the symposium were lively and reflected a wide range of diverse views on co-existence. Participants gave the impression that more EU coordination is needed in this area especially concerning farmer-to-farmer liability issues and co-existence legislation between neighboring countries.

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